

**FILED ELECTRONICALLY**

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UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

-----X  
TOTAL SPORTS RESOURCES, LLC and )  
FOREIGN RESOURCES CORPORATION, ) No. 08 CV 5865 (MGC)  
)  
Plaintiffs, ) ECF  
)  
v. )  
) **NOTICE OF MOTION**  
HARTWELL INDUSTRIES, INC. )  
)  
Defendant. )  
-----X

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, defendant Hartwell Industries, Inc. ("Hartwell"), by their attorneys Brune & Richard LLP, will move this Court, 500 Pearl Street, New York, on August 14, 2008 at 9:30 a.m. or soon thereafter as counsel may be heard, pursuant to Federal Rule of Civil Procedure 12(b), to dismiss the Complaint against Hartwell and for such other and further relief as the Court deems just and proper. The grounds for this motion are lack of jurisdiction and improper venue due to a forum selection clause binding the parties to resolve any and all disputes in Georgia.

PLEASE TAKE FURTHER NOTICE that, pursuant to this Court's individual practices,

answering papers, if any are to be served on or before August 6, 2008 and reply papers, if any shall be served on or before August 12, 2008.

Dated: New York, New York  
July 22, 2008

BRUNE & RICHARD LLP

By: /s/ Claire Coleman  
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